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CLERK, U.S. DIST. COURT  
MINNEAPOLIS

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Betty Muthuri

Plaintiff(s),

vs.

Case No. 11-756 ADM/AJB  
(To be assigned by Clerk of District Court)

Fairview Health Services

Christina Mielke

Defendant(s).

DEMAND FOR JURY TRIAL

YES ☒

NO

(Enter the full name(s) of ALL plaintiffs and defendants in this lawsuit. Please attach additional sheets if necessary).

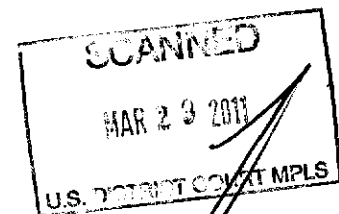
**EMPLOYMENT DISCRIMINATION COMPLAINT**

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name	Betty Muthuri
Street Address	11992 Unity Street NW
County, City	Anoka County, Coon Rapids
State & Zip Code	Minnesota, 55448



Telephone Number (651)336-5454

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

a. Defendant No. 1

Name Fairview Health Services  
Street Address 2450 Riverside Avenue  
County, City Hennepin County, Minneapolis  
State & Zip Code Minnesota, 55454

b. Defendant No. 2

Name Christina Mielke (RN) Nursing Manager  
Street Address 2450 Riverside Avenue  
County, City Hennepin County, Minneapolis  
State & Zip Code Minnesota, 55454

**NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.**

**Check here if additional sheets of paper are attached:** ☐

**Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g. Additional Defendants 2.c., 2.d., etc.)**

**JURISDICTION**

The Court has jurisdiction over this action under 28 U.S.C. § 1331.

3. This employment discrimination lawsuit is based on (check only those that apply):

- a. ☒ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et. seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin. **NOTE:** *In order to bring suit in federal district court under Title VII, you must*

*first obtain a right to sue letter from the Equal Employment Opportunity Commission (EEOC).*

- b. ☐ Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et. seq.*, for employment discrimination on the basis of age (age 40 or older). **NOTE:** *In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission (EEOC).*
- c. ☐ American with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et. seq.*, for employment discrimination on the basis of disability. **NOTE:** *In order to bring suit in federal court under the American with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission (EEOC).*
- d. ☐ Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et. seq.*, for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance. **NOTE:** *In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office (EEO) representative or agency.*
- e. ☐ Other (Please describe)

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4. If you are claiming that the discriminatory conduct occurred at a location other than the defendant's address above, please provide the following information on where the conduct occurred:

<hr/>	<hr/>	<hr/>	<hr/>
(Street Address)	(City/County)	(State)	(Zip Code)

5. When did the discrimination occur? Please give the date or time period:

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#### ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

a. ☒ Yes Date filed: June 30, 2009

b. ☐ No

7. Have you received a Notice of Right-to-Sue Letter?

a. ☒ Yes If yes, please attach a copy of the letter to this complaint.

b. ☐ No

#### NATURE OF THE CASE

8. The conduct complained of in this law suit involves (check only those that apply):

a. ☐ Failure to hire me

b. ☒ Termination of my employment

c. ☒ Failure to promote me

d. ☐ Failure to accommodate my disability

e. ☒ Terms and conditions of employment differ from those of similar employees

f. ☐ Retaliation

g. ☒ Harassment

h. ☐ Other conduct (please specify): \_\_\_\_\_

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i. Did you complain about this same conduct in the charge of discrimination, referred to in number 6 above?

☒ Yes ☐ No

9. I believe that I was discriminated against because of my (check all that apply):

- a. ☒ Race
- b. ☐ Religion
- c. ☒ National origin
- d. ☒ Color
- e. ☐ Gender
- f. ☐ Disability
- g. ☐ Age (my birth year is: \_\_\_\_\_)
- h. ☐ Other (please specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

i. Did you state the same reason(s) in the charge of discrimination, referred to in number 6 above?

☒ Yes ☐ No

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct (i.e. how, where, and when). Each paragraph must be numbered separately, beginning with number 10. Please write each allegation of discrimination in a separately numbered paragraph.

- 10. I am a black female of Kenyan origin who was employed by the above named respondent (Fairview Health Services, 2450 Riverside Ave. Minneapolis, MN 55454) from January 20, 2006 to February 19, 2009, most recently as a registered nurse. My work site was located at 500 Harvard Street, Minneapolis, MN.**
- Throughout my employment I was subjected to discriminatory treatment including but not limited to the following:**
- a. The PM Charge Nurse gave easier assignments to white, American-born nurses. Nurse Manager Christina Mielke was aware of the unfair work assignments, however, she took no action to remedy the situation. Ms. Mielke falsely accused African nurses of taking breaks that were too long. White, American born nurses were allowed to take longer breaks;**
  - b. Ms. Mielke asked white, American-born nurses if they wanted to be trained for the position of charge nurse. She did not ask nurses of color if we wanted to receive this training. Ms. Mielke also refused to allow nurses of color to work as preceptors and charge nurses;**
  - c. Ms. Mielke accused me of not being a team player and accused me of only helping other African nurses. Ms. Mielke told the African nurses that we could not sit together in the small room that was adjacent to the main desk. White, American-born nurses were not told that they could not sit together;**
  - d. After my surgery in March 2007, I was targeted falsely for not being a “team player” and was told repeatedly to take a leave of absence-insinuating that I was not doing my job;**
  - e. I was falsely accused of taking non-prescribed narcotics at work- the circumstances under which my prescribed medication were taken from my personal locker and turned over to the Nurse Manager were not only dehumanizing and shameful, they outrightly violated my privacy rights and esteem;**

- f. I was falsely accused of “grouping” with other African nurses in order not to help white nurses;**
- g. I was refused the requisite floor orientation based on false hearsay allegations that I did not know the fundamentals of nursing- this hindered me from working in the ICU and gaining the requisite experience that I needed for growth and promotion as a Registered Nurse;**
- h. I was cheated out of my performance bonus for the financial year 2008 even though I was wrongfully terminated in February of 2009;**
- i. On February 20, 2009, my employment was terminated based on false allegations that had been made against me. I was falsely accused of sleeping on the job between 2:00am and 5:00am on February 5, 2009, and I was also accused of failing to respond to a code blue that had been called on my floor. I never slept at work, however, I am aware of a number of white, American-born nurses who had been caught sleeping during my shift. To my knowledge, they were not disciplined by Ms. Mielke. Regarding the code blue, i was coming from a patient's room when the code was called. Another nurse told me that she was waiting for a call from the respiratory team and a doctor and i should answer the phone when it rang, I was left waiting for the phone call at the desk;**
- j. Claiming that I was sleeping on the job was only a pretext to terminate me;**
- k. Caucasian nurses are known to have been sleeping at work, surfing the net, shopping online, preparing for their weddings, and doing all other sorts of things that are incompatible with a good nursing work ethic but have never been terminated;**
- l. There is an established pattern of double standards and blatant discrimination against other black, African, and minority nurses;**

- m. There are several witnesses willing and able to testify to the established pattern of discrimination against me and against them as well;**
- n. There are Caucasian witnesses to the hostile work environment, discrimination and ultimate termination from my employment at Fairview Hospital.**

**Against this background, I am convinced that my race and national origin were factors in the respondent's actions. Ms. Mielke gave preferential treatment to white, American-born nurses. African nurses of color were denied training opportunities and told that we could not sit together. I was terminated after false allegations had been made against me. Prior to my termination, I had never received any warnings about my performance.**

**I therefore allege that the above-named respondent has discriminated against me in the area of employment on the bases of race and national origin in violation of Minnesota Statutes, Section 363A.08 Subd. 2(2) and (3).**

**Attach additional sheets of paper as necessary.**

**Check here if additional sheets of paper are attached: ☐**

**Please label the attached sheets of paper as Additional Facts and continue to number the paragraphs consecutively.**



REQUEST FOR RELIEF

State briefly and exactly what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

**I want the Court to Order Fairview to re-instate me with all my due benefits, pay me \$500,000.00 for all that I suffered and lost as a result of being wrongfully terminated and all legitimate damages that the Court deems necessary to that Fairview should cease and desist from discriminating actions.**

Date: March 29, 2011

  
\_\_\_\_\_  
Signature of Plaintiff

Mailing Address      11992 Unity Street NW  
Coon Rapids, MN 55448  
Tel: 651-336-5454

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.